

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD L. FLEMING,	:	Civil No. 1:21-CV-349
	:	
Plaintiff	:	(Judge Mannion)
	:	
v.	:	
	:	
KELLY YATES, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

MEMORANDUM AND ORDER

This is a *pro se* civil rights case. The plaintiff's initial complaint named two defendants: C.O. Kerwin and Trooper Brandon Black of the Pennsylvania State Police. C.O. Kerwin has been served, counsel has entered an appearance for this defendant, and the defendant has filed a motion to dismiss. (Doc. 33). Because there was no record of service upon Defendant Black, we entered an order on April 4, 2022, directing service on Defendant Black. (Doc. 37). Service was made on this defendant on April 18, 2022.(Doc. 38).

It is against this backdrop that the plaintiff has filed three motions: a motion to lift stay, (Doc. 39); a motion to move forward with the case, (Doc. 40); and a motion for default judgment against Defendant Black. (Doc. 41).

There is no stay in this case. Therefore, the motion to stay (Doc. 39) is

DENIED.

The motion to proceed forward with the case (Doc. 40), is GRANTED insofar as we will proceed forward with this litigation.

The motion for entry of default against the newly served Defendant Black (Doc. 41) is DENIED without prejudice to renewal if the defendant, who was served on April 18, 2022, fails to timely respond.

So ordered this 22d day of April 2022.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge